

## CHAPTER 1057

### DEPARTMENT OF INSPECTIONS AND APPEALS — ADMINISTRATIVE HEARINGS — ELECTRONIC FILING SYSTEM

S.F. 2162

**AN ACT** providing for the use of an electronic filing system for administrative proceedings by the administrative hearings division of the department of inspections and appeals.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 10A.801, subsection 1, unnumbered paragraph 1, Code 2016, is amended to read as follows:

For purposes of [this section article](#), unless the context otherwise requires:

Sec. 2. NEW SECTION. **10A.802 Administrative hearing electronic filing system — rules.**

1. Notwithstanding [section 10A.801, subsection 7](#), paragraph “b”, and [section 554D.120](#), the division may adopt rules pursuant to [this chapter](#) and [chapter 17A](#) establishing an electronic filing system for contested case and other administrative proceedings conducted by the division and prescribing whether and to what extent the division will accept, process, distribute, and retain electronic records and electronic signatures from appellants, governmental agencies, and other persons with respect to such proceedings.

2. If the division adopts rules pursuant to [subsection 1](#), the rules may include but are not limited to the following:

- a. Defining terms.
- b. The manner and format in which an electronic record is created, generated, sent, communicated, received, filed, recorded, and stored.
- c. Establishing the electronic filing system to create, generate, send, communicate, receive, file, record, and store an electronic record.
- d. How a traditional written signature will relate to an electronic signature.
- e. The criteria establishing when an electronic document must be electronically signed.
- f. The type of electronic signature required.
- g. The manner and format in which an electronic signature is associated with an electronic record.
- h. Who can create an electronic signature.
- i. The criteria and procedures to follow when filing an electronic document, including who is allowed to file electronically, how notice is given, and electronic service of process.
- j. Establishing processes and procedures to ensure adequate preservation, integrity, security, disposition, and audit worthiness of the electronic records.
- k. Establishing the criteria for the retention of paper documents when deemed necessary to promote the integrity of electronic records.
- l. Establishing the appropriate level of public access to differing classes of electronic records and other agency records to ensure the confidentiality of any records that are required by law to be confidential.
- m. Establishing any other process or procedures attributable to creating, generating, communicating, storing, processing, and using electronic records and electronic signatures, and how these electronic records and electronic signatures will relate to nonelectronic agency records.

3. Rules adopted pursuant to [this section](#) shall provide for the division’s acceptance of the filing of paper documents.

4. Rules adopted pursuant to [this section](#) shall prevail over any other law, including [chapter 17A](#), or agency rule that specifies the method, manner, or format for sending, receiving, serving, retaining, or creating paper records or other documents related to a contested case proceeding, including but not limited to a request or demand for a contested case proceeding, a notice of hearing, and a proposed or final decision. The division may limit the applicability and scope of any rules adopted pursuant to [this section](#) to one or more agencies or by specific case type for the purpose of testing and implementing an electronic filing system.

5. An electronic record that complies with the rules adopted under [this section](#) shall prevail over any law, including [chapter 17A](#), that requires a written record, and an electronic signature that complies with the rules adopted under [this section](#) shall prevail over any law that requires a written signature. An electronic record or signature that complies with rules adopted under [this section](#) shall not be denied legal effect or enforceability based solely because of the record's or signature's electronic form. The determination of an electronic record's or signature's legal consequence is determined by [this chapter](#), applicable law, and applicable division and agency rules.

6. Any electronic record, including but not limited to a recording or transcription of oral proceedings, maintained in an electronic filing system established by the division shall be the official record of the contested case and maintenance of the record in the system shall satisfy the obligation of an agency to file and maintain any such record.

Approved April 6, 2016